

Site Plan Regulations  
Town of Stratford, NH  
March 2023

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## Town of Stratford, NH. Site Plan Regulations

### **Section 1: Authority**

**1.01:** Pursuant to the authority vested in the Stratford Planning Board, the voters of the Town of Stratford, and in accordance with Chapters 674:43 and 674:44 of the New Hampshire Revised Statutes Annotated (NH RSAs) as amended, the Stratford Planning Board (the Board) adopts the following regulations governing the review and approval or disapproval, of site plans for non-residential developments and for multi-family dwellings of more than two units.

### **Section 2: Purpose and Objectives**

**2.01:** The general purpose of these Site Plan Review Regulations is to provide for orderly community growth and sound site utilization, and to protect public health, safety, and welfare, in accordance with NH RSA 674:44 and guided by the Stratford Master Plan. In keeping with this general purpose the following include, but are not limited to, specific objectives:

- A. Balance the landowner's right to use the land with the corresponding rights of abutting landowners, and to protect the public at large from undue hazards, disturbances, nuisances, pollution and diminution of property values.
- B. Protect public safety and welfare through a review and analysis of the location of buildings, roads, emergency access, and sidewalks, and the interaction of the site with neighboring lots, town highways, parking and sidewalks.
- C. Protect environmental integrity by such means as protecting groundwater, preventing flooding, controlling drainage and erosion, and providing sanitary sewage disposal.
- D. Keep the rural character of the town through the protection and preservation of its scenic vistas, forest areas, wetlands, green spaces, and traditional architecture. This may include, but is not limited to, such significant and man-made features as stone walls, large trees, wildlife habitat and historic structures.

### **Section 3: Compliance**

**3.01:** The site plan review procedure shall in no way relieve the applicant from compliance with the Town of Stratford's Land Use Ordinance, the Stratford Floodplain Ordinance, the Land Subdivision Regulations of Stratford, or any other regulation or bylaw which pertains to the proposed development. No Site Plan shall be approved unless such plan complies with all applicable local, state and federal ordinances and regulations.

## **Section 4: Scope of Review**

**4.01:** Site plan approval is required prior to new non-residential or multifamily development (more than two dwelling units), redevelopment, expansion, or a change from one such use to another, whether or not such development includes a subdivision or re-subdivision of the site. Except for exemptions listed below, no site development changes, including land clearing, building erection, change of use, or other site improvements shall be permitted on any lot in Stratford without first obtaining site plan approval from the Stratford Planning Board. When a development is proposed, the property owner or owner's agent shall apply to the Board in writing for approval by complying with the requirements set forth in these regulations.

**4.02:** The following are to be considered exempt from site plan review:

- A. The construction or enlargement of any single or two family dwelling or building accessory to such dwelling.
- B. Home business not involving any free standing outdoor lighting, signs, noise, outdoor storage, or construction of additional parking.
- C. Governmental land uses as exempt pursuant to state and federal law. It is requested that governmental land uses appear before the Planning Board to discuss the town standards contained herein and opportunities to increase conformance if appropriate.
- D. Incidental installations such as bike racks, or bus shelters.
- E. Seasonal farm stands that do not require the construction of parking, or access, or permanent buildings, that impact public safety.
- F. Changes or expansion of use of existing agricultural operations, unless these are injurious to public health.
- G. Accessory structures of no more than 500 sq. ft., on non-residential and multi-family development sites.
- H. Internal building modifications to a nonresidential use that do not affect the scale or nature of the existing use unless such modification requires an increase in off-street parking spaces.

## **Section 5: Procedures for Major Site Plan Review**

**5.01:** Preliminary Conceptual Consultation Phase:

Prior to submitting a site plan application, an applicant must request a meeting with the Board for an informal conceptual discussion. A preliminary consultation can help prevent delays and redesign costs by making sure requirements are understood prior to preparing a final application. Such discussions shall be held without formal public notice, at a regular Board meeting. The conceptual discussion shall neither bind the applicant or the board. (RSA676:4 II(a)). It shall be limited to reviewing the basic concepts of the proposal and reviewing the proposal with regard to

the Town's Master Plan, Land Use Ordinance, Floodplain Ordinance, and Subdivision regulations, and other state and federal regulations. At this meeting non-surveyed sketches and other descriptive information showing a general overview of the proposal are encouraged.

**5.02: Final Application:**

Following the submission of the final application the Board will review the application for completeness at its next scheduled business meeting for which the required notice can be provided. If the application is determined to be complete, it shall be accepted as such per RSA 676:4, I(b) and the board shall begin formal consideration of the application. If the Board finds the application is incomplete, the applicant shall be notified of the deficiencies in writing. The Board will not accept and will not begin review of an application if information required by these regulations, or fees required by the Board, are not received. When an application is accepted by the Board as complete, the Board shall provide a written receipt to the applicant indicating the date of formal acceptance.

An application shall not be considered incomplete solely because it is dependent on the submission of an application to, or the issuance of permits from, other state or federal bodies. The Board will approve, conditionally approve, or disapprove the final site plan within 65 days after formal acceptance of the application as complete.[RSA 676:4, I (c) (i)], unless the Board determines that the application is for a development of regional impact, which gives the Board an additional 30 days to approve, conditionally approve, or disapprove the final site plan. A conditional approval shall become final without further public hearing upon certification to the Board of compliance with any and all conditions imposed, provided that such conditions are in compliance with RSA 676:4, I (i). All other conditions require a public hearing. The applicant may waive the requirement for Board action within the time periods specified in RSA 676:4 and consent to such extension as may be mutually agreeable. If the Board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application. If the Board has not taken action to approve, conditionally approve, or disapprove the completed application within 65 days of its acceptance as complete, or within 95 days if a plan of regional impact, and has not negotiated an extension, the select board shall certify on the applicant's application that the map is approved. The approval is contingent on the proposal complying with all subdivision and site plan regulations, zoning ordinances, or any other provision [RSA676:4, I (c) (1)].

Prior to approval of a Site Plan, a public hearing shall be held as prescribed by RSA 676:4, and notice to applicant, owner(s) if not applicant, easement holders, any professional whose seal appears on the plan, abutters and the public shall be given in accordance with Section 5.05:

Notices of this Regulation. The Planning Board, at its discretion, may hold a hearing on a Site Plan in conjunction with a subdivision hearing if required for a project.

The Board shall notify the applicant by notice in writing, signed by the Chairman, of its approval or disapproval on the Final Site Plan, and make a copy of the decision available to the applicant. This Notice of Decision shall also be on file with the meeting minutes within 5 business days of the vote. The Board's Notice of Decision shall include specific written findings of fact that support the decision. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

**5.03: Determination of Regional Impact:**

Upon receipt of a site plan application, the Board will determine whether or not the plan could reasonably be construed as having the potential for impact beyond the borders of Stratford [RSA 36:56]. This regional impact could result from a number of factors, including, but not limited to the following:

- A. Relative size
- B. Transportation networks
- C. Proximity to the borders of a neighboring community
- D. Anticipated emissions such as light, noise, smoke, odors or particles
- E. Proximity to aquifers or surface waters which transcend municipal boundaries
- F. Shared facilities such as schools and solid waste disposal facilities

If the Board finds that regional impact is uncertain, the Board shall assume that a regional impact will result. Upon determination that a proposed development has potential regional impact, the Board shall afford the regional planning commission and the affected towns the status of abutters for the limited purpose of providing notice and giving testimony. Not more than five business days after reaching a decision that a development is of regional impact, the board shall, by verified mail, furnish the regional planning commission and the affected towns with copies of the meeting minutes at which the decision was made; at the same time submit an initial set of plans to the regional planning commission, which shall be paid for by the applicant. At least 14 days prior to the public hearing, the Board shall notify by certified mail, all affected towns and the regional planning commission of the date, time and place of the hearing and the right to testify [RSA 36:57].

**5.04. Consent to on-site inspection:**

By filing a final application, the applicant consents to on-site inspections of the property by individual Board members and agents at reasonable times and in a reasonable manner. Such

consent also includes permission for a duly noticed public meeting of the Board at the site, open to abutters, the public and other interested parties.

The Board may also require demarcation of proposed roads, buildings, delineation of wetlands, and other features as may be deemed to need identification be staked or flagged prior to such inspection. For applications received after December 1 of any year, the on-site visit and final action on the final application may be postponed until no later than May 20th, following acceptance of the application if, in the reasonable opinion of the Board, winter conditions prohibit making a proper inspection and evaluation of the site.

Should the applicant refuse any on-site inspection, the Board may deny the application without prejudice.

**5.05 Notice:**

Notice of the submission of a completed application shall be given by the Board to the abutters, owner(s), applicant if not the owner, easement holders, and any professional whose seal appears on the plan, by certified mail, mailed at least ten (10) days prior to the business meeting when the Board will review the application for completeness. Notice to the public will be given at the same time by posting in at least two public places in the town and publicizing the hearing in a newspaper of general circulation. For proposals in which any structure or building, or camp sites will be within 500 feet of the top of the bank of any lake, pond, river, or stream, notice shall also be given to NHDES Dam Bureau [RSA 676:4 I (d)]

The notice shall give the date, time, and place of the Board meeting at which the application will be formally submitted to the Board for a determination of completeness, and shall include a general description of the proposal which is subject of the application or of the item to be considered, and shall identify the applicant and location of the proposed site development.

For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If notice of a public hearing was included in the notice of submission, additional notice is not required.

Additional notice is not required of any continued session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

**5.06: Fees:**

A completed application shall be accompanied by the required filing fee, a listing of which is posted at Town Hall or on the town's website. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing.

The Board may require third party review and special investigative studies at the applicant's cost and expense, including but not limited to, environmental assessments, traffic studies, economic impact studies, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Site Plan pursuant to RSA 674:44 and 676:4-b.

The Board reserves the right to require third party inspection during construction of an approved site, at the applicant's expense. Reports shall be submitted to the Board in a timely manner.

### **Section 6: Procedure when Special Exemption to Variance Approval by the Zoning Board of Adjustment is Required**

**6.01:** It is the applicant's responsibility to ensure his/her proposed development complies with Stratford's Land Use Ordinance. When a Special Exemption or Variance is required by the Land Use Ordinance, it is recommended the applicant first obtain approval from the Zoning Board of Adjustment before applying for Site Plan approval. When an approved request from one board differs substantially from the other, the first board may require a rehearing of the proposal based on these differences.

In accordance with RSA 676:2, a joint hearing of both the Planning Board and the Zoning Board of Adjustment may be held if requested by the applicant or either board. Copies of any Zoning Board of Adjustment approvals already received must be included with a site plan application. Any conditions imposed by the Zoning board of Adjustment shall not be diminished by the requirements contained in these regulations.

### **Section 7: Submission Requirements**

**7.01:** The following items are to be submitted with the final application and, as applicable, included on the proposed site plan map:

- Payment for all application fees
- Name and address of developer, applicant and owner(s) if not the applicant.
- Copies of the deeds and all easements and deed restrictions for the lot(s) proposed for development..
- All abutter names and addresses of record , taken from Town records not more than five days before the day of filing the application with the board.
- Names and addresses of all easement holders.

- Any applicable Town, State or Federal permits that have been received at the time of application.
- One mylar original map that satisfies all requirements of the Coös County Registry of Deeds, and three paper copies equal to the mylar in size. Maps should show adequate detail: the Board may require additional or new maps.
- Scale should be large enough to show adequate detail.
- Date, title, north point, bar scale.
- Name, address, and stamp of all professionals responsible for preparation of the plans presented to the Board.
- Name of the development
- Locus map that clearly shows the location of the proposed development within the town.
- Signature block for the Board with lines for five signatures.
- Surveyed property lines showing bearings, distances, monuments, and the lot area; and names of all abutters.
- The location of all existing and proposed deed restrictions, easements, covenants, etc.
- A soils classification map, together with descriptive information for each type of soil.
- The location of wetlands, poorly drained soils, soils subject to flooding, flood hazard areas, mapped fluvial erosion hazard areas if any.
- Existing and proposed grades, drainage systems and structures, with topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding 5 foot contour intervals.
- The location of all buildings and all intersecting roads or driveways within 200 feet of applicant's property, together with an identification of the use of abutting properties.
- Natural features such as streams, marshes, lakes or ponds, types of vegetation, and ledge outcrops, and man-made features such as, but not limited to, existing roads, structures, and landscaping. The map shall indicate which of such features are to be retained and which are to be removed or altered.
- One hundred-year flood elevation line and base flood elevation shall be included where applicable.
- The size, type, and proposed location of water supply and wastewater facilities; location of test pits and record of percolation tests; all distances from proposed and/or existing water and wastewater facilities on the site and on abutting properties to a distance of 200 feet. The size and location of existing and proposed public and private utilities and utility connections, along with all necessary engineering data.
- If applicable, copy of certification by a NH permitted septic designer that an existing system is adequate to meet the needs of proposed use.
- Provisions for fire protection, including water supply.
- The shape, size, height, facade, and location of the proposed structures, including expansion of existing buildings.

- Natural vegetation to be retained; location, type, and size of all proposed landscaping and screening.
- Exterior lighting plan showing the location of and describing all existing and proposed exterior lighting fixtures.
- A plan for the location of free-standing or building-mounted signs, including the size, location, mounting, aiming and shielding of any associated light fixtures.
- A stormwater management plan and an erosion control plan shall be submitted when one or more of the following conditions are present:
  - a) A cumulative disturbed area exceeding 20,000 sq.ft.
  - b) Construction of road or street
  - c) Construction of three or more dwelling units.
  - d) The disturbance of critical areas, such as slopes over 25%, wetlands, seasonal or year round water courses, or floodplains.
- Adequate detail to demonstrate compliance with the appropriate applicable best management practices identified in Volumes 1, 2 and 3 of the NEW HAMPSHIRE STORMWATER MANUAL, current edition as of the date of the application filing, published by NHDES. This shall include, for example, a storm drainage plan, including plans for retention and slow release of stormwater where necessary, including the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, culverts, retention basins, and storm sewers. The Plan shall indicate direction of flow through the use of arrows, and show the engineering calculations used to determine drainage requirements, as well as the date and source for precipitation data. A plan for long-term maintenance of the stormwater facilities must be included.
- Plan for snow removal indicating location of snow storage.
- A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access and egress, and proposed changes to existing public streets, sidewalks or curbs, including any traffic control devices or signs necessary in conjunction with the site development plan.
- Proposed streets with street names, driveways, parking spaces, sidewalks, with indication of direction of travel for one-way streets and drives, and inside radii of all curves. Include estimated trip generation volumes and basis for calculation. The width of the streets, driveways, and sidewalks, and the total number of parking spaces shall be shown, along with the calculations used to determine the required number of spaces. In addition, loading spaces and facilities associated with the structures on the site shall be shown. New roads shall be constructed in accordance with these regulations.
- Construction drawings including, but not limited to, pavements, walks, steps, curbing, and drainage structures.
- Noise that can reasonably be expected to be heard beyond the property lines, including hours and duration of impact. Applicants may be required to provide a noise study report including

decibels, noise level contours, and list of remedies to reduce impacts to neighboring property and public areas.

- A written narrative including: estimated time for construction and completion of development, and a description of proposed use, including activities and hours of operation.
- The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein. The cost of all such additional information shall be paid by the applicant.

## **Section 8: Minor Site Plan Review**

**8.01:** Minor Site procedures and application requirements may be followed when development activities associated with non-residential use or multi-family development are limited to the following:

- A. Changes in landscaping or screening not involving changes to grade.
- B. Home business not considered exempt from site plan review.

**8.02:** Minor Site Plan Application Requirements and Procedures:

An applicant for a Minor Site Plan shall submit 3 copies of a drawing illustrating proposed alterations that may be self-prepared. Size can be from 8.5 in. x 11 in. to 24 in. x 36 in. Drawings must contain an approximate scale, and arrow indicating the general direction of north. The site plan must be drawn reasonably to scale and contain enough detail to enable the Board to determine compliance with these regulations. Distance from property lines to proposed development must be indicated, along with features surrounding the proposed alteration sufficient to provide the Board with an understanding of the context of the proposed alteration. The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein.

**8.03** Approval of Minor Site Plans

Determination of completeness of an application, public hearing, and notice to abutters and notice of decision for a Minor Site Plan shall be the same as set forth above for a mMajor Site Plan application.

## **Section 9: Standards and General Requirements**

Every proposed site development shall conform to the provisions of all pertinent Federal, State, and Local Ordinances as well as these regulations. If the applicant does not fully understand the regulations, it is the applicant's responsibility to seek the advice and counsel of qualified persons.

**9.01 Requirements during Construction:**

The site shall be of such a character that it can be used safely for the construction and installation of the improvements proposed by the applicant without excessive grades. The top of a cut or bottom of a fill section shall not be closer than ten feet to an adjoining property line, unless otherwise specified by the Planning Board. Extractive operations, e.g. sandpits, shall not be permitted within fifty feet of any property line. Methods of dust control shall be employed during grading operations. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage, toward or across abutting properties, unless the written consent of the abutting landowner is obtained.

The smallest practical area of land should be disturbed at any one time during construction/development, and disturbance should also be kept to the shortest practicable period of time. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development. The permanent final vegetation and structures should be installed as soon as practicable in the site. Whenever feasible, natural vegetation should be retained and protected.

**9.02: Landscaping and Screening:**

Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly installed ground cover, shrubs or trees, where appropriate. Provision shall be made for protection of natural features.

Where a buffer or natural screen is required by the Planning Board, such buffer or screen shall be permanent and sufficient in the opinion of the planning board to protect the abutting property to which it pertains from unreasonable environmental impacts such as noise, lighting, or intrusion of traffic to or from the proposed development. Buffer strips (10 feet minimum; distance is dependent on the nature of the project and density of development in the area) must be maintained. Buffer strips between non-residential and residential uses must contain vegetation that will be an effective screen during the winter months. Required buffer areas shall not be used for parking, storage, or any other use which conflicts with the purpose and standards of this section. Year-round screening shall be provided for utilities, solid waste storage areas and the like, visible to public roads or abutting properties.

### **9.03: Streets and Parking:**

Improvements to existing streets, traffic access to the site from streets, on-site vehicular and pedestrian circulation, parking and loading facilities and emergency access shall all be designed to ensure the safety of vehicles and pedestrians.

Where applicable, sufficient parking and off-street loading space must be provided, including off street areas for maneuvering of anticipated trucks or other vehicles. Access, parking and loading areas are to be constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties. Permeable surface use is encouraged to reduce the need for installation of drainage facilities to accommodate runoff; however, the Planning Board may require that access, parking and loading roads be paved if deemed appropriate.

A parking space typically encompasses an area 10 feet wide by 20 feet long, unless designated for specific uses requiring a smaller or larger size. A parking plan shall include adequate documentation to support the proposed number and size of spaces. Parking provided by off site parking may be utilized in lieu of on-site parking to fulfill some or all of the parking requirements when provided within a distance appropriate to the proposed use, but not to exceed 400 feet. An appropriate number of handicapped parking spaces may be designated in compliance with the most recent standards pursuant to the Americans with Disabilities Act. Large parking areas (over three double rows) shall include interior landscaping.

The Planning Board may request a parking study be conducted by a qualified professional, at the applicant's expense, if a waiver is being requested, or there are questions that cannot be resolved by the board and applicant.

The planning Board may require the applicant to extend or improve, or contribute to the cost of the extension or improvement of the street, street lighting, sidewalk, water or storm drainage facilities serving the site, where such extensions or improvements are required to adequately serve the proposed development. The amount of the applicant's required contribution shall be reasonable and proportionately related to the needs created by the development and to the benefits accruing to it from the improvements.

### **9.04: Environmental Standards:**

To avoid undesirable and preventable elements of pollution such as smoke, noise, soot, particulate air, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater or adjacent properties, it is the responsibility of the applicant to employ the best standards and technology available at the time.

No plan shall be approved which does not appropriately protect groundwater and other natural resources from adverse conditions caused by the development.

Storm drainage shall be designed for at least the 50 year storm and provision shall be made for retention and gradual release of storm water.

All storm water management and erosion control measures in the plan shall adhere to Volumes 1,2, and 3 of the New Hampshire Stormwater Manual, current edition at the time of application. No increase in the volume, peak flow, or velocity of surface runoff shall be permitted if such increased run-off passes beyond the property lines of the parcel upon which the development occurs, unless it is within an approved public storm drainage system.

The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

Provision shall be made for snow storage during the winter months.

#### **9.05 Flood Plains:**

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

B. The Planning Board shall require that all proposals for development include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

all such proposals are consistent with the need to minimize flood damage;

all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and, adequate drainage is provided so as to reduce exposure to flood hazards.

#### **9.06: Wetlands:**

In accordance with NH RSA 482-A, wetlands shall not be disturbed without first obtaining the required permits from the New Hampshire Department of Environmental Services. All impacted areas of the proposed development shall be delineated by a wetlands scientist and shown on plans presented to the Board. Preliminary wetlands identification may be determined with the help of the Conservation Commission, Town Maps and aerial photographs made available by the US Soil Conservation Service.

**9.07: Utilities:**

Provision shall be made for the site to be serviced by necessary applicable utilities including water for fire and domestic use, wastewater disposal , electricity and internet, fuel storage, solid waste storage and collection.

**9.08: Signs and Lighting:**

Outdoor lighting shall not cause light trespass, glare, sky glow, or excessive lighting. Outdoor lighting fixtures shall be sufficiently shielded and aimed such that any spillage of light onto adjacent properties is minimized and glare from light emitting and /or reflecting parts of a luminaire is not visible from adjacent properties. No lighting fixtures shall emit light color temperatures in excess of 3000 kelvins. To the extent practicable, lighting shall make use of timers, dimmers, motion sensors and other adaptive controls to substantially dim or extinguish lighting between 11 PM and 6 AM, unless public safety concerns demand otherwise. . If the flag of the United States is displayed during the hours of darkness, it should be illuminated in accordance with this section.

Lighted or unlighted signs shall not be placed in required buffers or in a location which may interfere with the line of sight or otherwise obstruct the visibility of motor vehicles, bicyclists or pedestrians. Signs may be lighted externally from a fixture mounted at the top of the sign. Internally lighted, projection lighted, or backlit signs are prohibited, as are blinking, fluttering, or moving signs, and signs with digital electronic messages. Free standing signs, and other advertising structures shall not exceed 10 feet in height, and shall be of a minimum size that allows for safe identification and access to premises.

**9.09: Fire Protection:**

All major site plans must meet the approval of the Stratford Volunteer Fire Department, documented by the Fire Chief or designee, relative to emergency access, fire prevention, protection and water supply.

**Section 10: Compliance with the Notice of Decision**

**10.01:** Period of Construction and completion of work:

The applicant shall construct and complete all structures and landscaping required within the time limits specified in the Notice of Decision. Where no time limits are specified, the period for completion shall be within two years of final approval, unless other arrangements are made with the Board. The Board reserves the right to hire engineers or other professionals at the applicant's expense, to determine that the final construction of the development is according to final plan.

**10.02:** Bonding and Performance Guarantee:

The Board may require the applicant to post a bond or provide an irrevocable letter of credit, in a form approved by the Town Select Board, to protect Town facilities from damage that may be caused directly or indirectly from the work performed on the site or adjacent to the site. This may include for example but is not limited to, damage to abutting properties, and Town infrastructure, such as water and sewer, storm drainage, etc. This bonding will provide security to pay for the completion of any incomplete work which may cause such damage or which may cause the applicant to be out of compliance with the Notice of Decision. The Planning Board shall obtain the cost estimate from the applicant's licensed engineer or from an engineer of the Town's choosing, at the applicant's expense.

The Board shall determine the amount of the guarantee based on the estimated cost of completing the work, including, but not limited to, construction, repairing, or replacing landscaping, structures or town facilities.

**10.03:** Release of Bond or Security:

The Board may partially release the guarantee as work is inspected and accepted as complete, by the Board or its designee, at the applicant's request.

The bond or security shall be fully released when the Board is satisfied, after inspection, that the applicant has complied with all requirements set forth in the Notice of Decision.

**10.04:** Changes and alterations in an approved site plan:

If at any time before or during construction of the site plan, unforeseen conditions make it necessary or desirable to modify the required work or plans, the applicant shall immediately, in writing, show intended modifications to the Planning Board. The Board shall determine if the proposed alterations substantially change the standards and requirements of the approved plan per NH RSA 676.4:I (i). If so, a duly noticed public hearing will be held at the expense of the

applicant. Any other alteration not deemed a substantial alteration to a previously approved site plan shall be handled in an administrative manner by the Board.

## **Section 11: Waiver**

### **11.01: Waiver:**

Where the Board determines, by majority vote, that strict conformity to these regulations would pose an unnecessary hardship to the applicant and a waiver will not be contrary to the spirit and intent of these regulations, the Board may waive or modify certain requirements of these regulations [RSA 674:44, III (e)]. The basis for any waiver granted by the board shall be recorded in the minutes of the Board.

## **Section 12: Separability**

**12.01:** If any provision of these regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate in any manner any other provisions contained herein.

## **Section 13: Penalties and Fines**

Any violation of these regulations shall be subject to enforcement and a civil fine as provided in NH RSA 31:39-c, NH RSA31:39-d, NH RSA 676:16 and NH RSA 676:17 et seq., as amended.

## **Section 14: Definitions**

A. Abutter: Any owner or owners of record, or holder of an agricultural or conservation easement on any property that adjoins, is directly across any stream, body of water, public way is within 200 feet (60 meters) of land under consideration for site plan. For projects of regional impact, the North Country Council and the municipalities adjoining Stratford are considered abutters. For purposes of submitting testimony, but not requiring notification, the term ‘abutter’ shall include any person or organization able to demonstrate a direct impact from the proposed site plan.

B. Board: The Stratford Planning Board.

C. Final Application: The application approved by the Board as complete.

D. Home Business: Any business that is conducted within a dwelling by the residents thereof, which is secondary use of the residence, and does not change the character of the neighborhood.

E. Notice of Decision: Written notice of approval, disapproval, or conditional approval of final application .

F. Outdoor Storage: The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.